IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 7130 of 2007(W)

PETITIONER:

BABY GEORGE, RETD.SPECIAL GRADE
PANCHAYAT SECRETARY, CHALLAVAYALIL HOUSE,
THALANADU P.O., ERATTUPETTA VIA,
KOTTAYAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF LOCAL SELF GOVERNMENT, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PANCHAYATS, DIRECTORATE OF PANCHAYATS, THIRUVANANTHAPURAM.**

3. **THE DEPUTY DIRECTOR OF PANCHAYATS, KOTTAYAM.**

4. **THE AUDIT & ACCOUNTANT GENERAL OF KERALA, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 7130/2007 W

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PROCEEDINGS NO. LFK (PEN) 124/04 DT. 17/5/04 BY THE R3.

EXT.P2. COPY OF THE PROCEEDINGS BEARING NO. P-01/PEN A/620/CC/04-05 DT. 18/1/05 BY THE R4.

EXT.P3. COPY OF THE PROCEEDINGS BEARING NO. E3/10899/03(1) DATED 16/6/2005 OF THE R4.

EXT.P4. COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE RESPONDENTS DT. 15/2/2007.

RESPONDENT'S EXHIBITS - NIL.

True copy

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V.GIRI, J.

W.P.(C).No.7130 of 2007 W

Dated this the 30th day of November, 2007.

JUDGMENT

The petitioner retired from service as Special Grade Panchayat Secretary on 30.11.2003. He is aggrieved that the pension and Death cum Retirement Gratuity are yet to be disbursed to him. He is further aggrieved that the commuted value of pension, based upon which the pension has been fixed, has also not been disbursed.

2. In the counter affidavit filed by the Deputy Director of Panchayats, the 3rd respondent, it is mentioned that disciplinary action was initiated against the petitioner and such disciplinary action is pending finalisation. There is no contention that any liability, as such, has been fixed on the petitioner.

3. It is now 4 years since the petitioner retired from service. The Death cum Retirement Gratuity due to him cannot be withheld any further.

4. Therefore, the writ petition is disposed of in the following terms:

(i) The 2nd respondent shall ensure that the Death cum Retirement Gratuity payable to the petitioner, as per Ext.P2, shall be disbursed within one month from the date of receipt of a copy of this judgment.

(ii) The disciplinary proceedings, initiated against the petitioner and referred to in para 2(b) of the counter affidavit filed by the 3rd respondent, shall be finalised within four months from today and thereupon, the regular pension due and payable to the petitioner shall be paid within one month thereafter, subject to any orders that may be passed on the conclusion of the disciplinary proceedings, with arrears.

(iii) If for any reason the disciplinary proceedings are not finalised within the said period, then provisional pension being paid shall be stepped up to the full pension admissible to him with effect from the month following the expiry of four months.

(iv) If the Commuted Value of Pension due and admissible to the petitioner has not been paid, it shall be paid after completion of the disciplinary proceedings.

Sd/-
(V.GIRI)
JUDGE

sk/

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